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# The Right to Freedom

The Bulletin of the Human Rights Centre "Viasna"

## VIASNA MEMBERS

### DETAINED

A member of *Viasna* Siarhei Zalewski and Chairperson Ales Bialatski were detained on 13 April on their way to Kastsiukovichy (Mahilow Oblast). Ales Bialatski and Siarhei Zalewski were on their way to Kastsiukovichy planning to visit the local *Viasna* activists. Near Krasnapolle their car was stopped by policemen, whose responsibility was to check if drivers do not smuggle things from the Chernobyl zone. The policemen found *Viasna* newsletters *The Right to Freedom* and took a few copies for themselves. Ales Bialatski: «After a while they let us go. However, when we came to Kastsiukovichy district, local police were already waiting for us. They stopped us and started to wait for the deputy head of Kastsiukovichy district police. He came quite soon, and told one of the policemen to get into our car. We had to follow him to Kastsiukovichy district police board. There they called for the head of Kastsiukovichy police (it was Saturday midnight). The head checked our documents, newsletters, looked through the book «Presidential election 2001». In 30 minutes they let us go. What was the fuss about? It turned out, that on 26 April Lukashenka was going to visit Kastsiukovichy district. So, the local police were just afraid that we had been preparing some unpleasant surprise for him. However, they did not confiscate our newsletters, because their number did not exceed 300 copies».

### «CAN'T LIVE LIKE THAT!»

In the evening of April 2 Barysaw police detained ZUBR activist Ales Monich, who was posting stickers with the information about the march of protest «Can't Live Like That!» to take place on April 19. They took the detainee to a police station and drew up a report of administrative violation.



## JOURNALISTS ARE NOT CRIMINALS

*JOURNALISTS OF THE HRODNA INDEPENDENT NEWSPAPER PAHONIA  
HAVE BEEN PERSECUTED FOR OVER 6 MONTHS*

Persecution of the journalists of the independent newspaper *Pahonia* started on 5 September 2001. Four days before the presidential election the regional prosecutor's office seized the whole circulation of the issue of the *Pahonia* newspaper from the publishing agency, while it was still being printed. The issue was seized because some articles ostensibly criticized presidential candidate Alexander Lukashenka. The journalists placed the articles of the seized issue on the *Pahonia* web-site. Hrodna regional prosecutor's office made an official warning to the *Pahonia*, stating that these articles contain libel against the president of Belarus, and appealed to court with a demand to close down the newspaper. On 12 November 2001 the Supreme Economic Court ruled to close *Pahonia*. Judge Valery Zhandaraw made the decision.

On 14 February the *Pahonia* editor-in-chief Mikola Markevich and its journalist Pavel Mazheika were charged under Art. 367 part 2 «Libel on the president of the Republic of Belarus in a piece of work, which is publicly demonstrated in the mass media». On 12 March the criminal case, instituted against Mikola Markevich and Pavel Mazheika, was submitted to court. The first hearing was appointed on 9 April...

Actions in support of *Pahonia* journalists took place all over Belarus. The biggest actions were held in Hrodna at the beginning of April.

On April 1 outside Hrodna Regional Executive Committee (REC) Hrodna residents held an unauthorized picket in support of the journalists Mikola Markevich and Pavel Mazheika. The picketers were holding posters with the following slogans: «Mazheika, Markevich – who is next?», «Freedom = Freedom of Speech», «Let's Stand for PAHONIA Together!». They didn't react to police requests to fold the posters and disperse.

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# THEY HELD OUT AGAINST BULLDOZERS AND RIOT POLICE

**APRIL 11 WAS A 200-DAY ANNIVERSARY OF THE UNPRECEDENTED ROUND-  
THE-CLOCK WATCH BY YOUNG PEOPLE AT KURAPATY TRACT. THE DEFENDERS  
CONTINUE THEIR ACTION; AUTHORITIES DEMAND TO DEMOLISH THE CROSSES NEAR THE ROAD**

The defense of the national necropolis at Kurapaty Tract began on September 24, 2001 when a group of the Young Front members with crosses in their hands blocked several bulldozers, which were ruining the place of mass burials. During the night they put up a tent and decided to defend the Tract for as many days as it would be necessary. Several days later Belarusian Freedom Party and other youth organizations joined the action. On October 30, 2001 Young Front members put up a big warm military tent for wintertime.

On November 8-9 Belarusian authorities tried to break the defense with the help of special riot police units and bulldozers ... But the youth held out and won the struggle for national memory.

As a result of this action



Defending Kurapaty  
Tract on 8-9 November 2001

Prosecutor's Office admitted that Kurapaty Tract is a place of burial of victims of political repression in 1937-1940. Then with the help of Ministry of International Affairs and the US Embassy a

memorial sign, the so-called «Clinton's bench», which had been ruined by unknown vandals, was restored. Builders, forest guards and police officers began to coordinate their activities at

Kurapaty Tract with young people. Maya Klashtornaya, a victim of Soviet political repression, was appointed a scientific coordinator of a project to create a ring road near Kurapaty Tract. The Orthodox Church re-opened construction of a chapel at Kurapaty Tract, and the state structures began discussing the project of a future memorial.

Today young defenders face a number of new threats. Drunken local hooligans and skinheads began visiting the tent at Kurapaty Tract with a surprising regularity – a number of clashes happened. As a result Antos Shkurynski (his head was hurt), Vasil Parfiankow (his arm was broken) and Ales I. (he is in hospital with numerous burns) suffered. Young people lack food and candles: there is no stable financing of the defense action. But young people hold on and are ready to continue their watch.

On April 10, 2002 several more dump trucks buried under sand some of the wooden crosses at Kurapaty Tract. The situation is again growing tense, police officers turn up there again...

**Press-service  
of the Young Front.**

## BELARUSIAN BOARD OF RUSSIAN ORTHODOX CHURCH FINANCED BY THE STATE...

*Viasna* has got hold of a very interesting document – *On state financial support of some public associations*. The document, signed by Ural Latypov, head of the President's Administration, was meant for Lukashenka.

"In 2001 the state rendered financial assistance to 22 non-governmental organizations. The first group of recipients consists of organizations, which play an important, in many cases, unprecedented role in rendering assistance to the most disadvantaged groups of population. (...) members of these associations, as practice has shown, are the stable supporters of policy of the President of the Republic of Belarus; they actively supported You on 9 September 2001. The second group of recipients consists of organizations, which have an important spiritual, patriotic, and educational function in society: Belarusian Board of Russian Orthodox Church, National Council of Veterans of

War and Labor, Belarusian Union of Women, "We – to Children!" Foundation, Belarusian Society of Friendship and Cultural Relations with Foreign Countries, Belarusian Society for Links with Fellow-countrymen Abroad "Radzima", Belarusian Patriotic Youth Union, and a number of institutions, which are part of Belarusian Federation of Trade Unions.

These associations need state support for solving concrete social-educational tasks: Belarusian Board of Russian Orthodox Church (ROC) – to pay scholarships and salaries to the teachers of theological seminary and academy (305 scholarship holders and 58 teachers). (...) We suggest that Belarusian Board ROC should receive full financial support. (...)

At present the state finances the following expenses of Belarusian Patriotic Youth Union: expenditures of the Central Committee of BPYU and salaries of the staff (total of 1186 staff members).

According to the ruling of the President, dated 4 June 1997, BPYU staff is paid on the level of salaries of state officials.

We propose to change the conditions of payment to BPYU staff and equate them with average salaries of budget-paid employees (teachers, social workers, etc. — translator). (...)

Taking into account the above-mentioned circumstances, we propose to provide the total of 3962.5 million BYB for public associations in 2002.

Head of the President's Administration of the Republic of Belarus U. Latypov. Report note 12.02.2002 # 10/124-1042, 124-1045"

*Viasna*: It's worth mentioning, that Belarusian Patriotic Youth Union is a non-governmental youth organization (NGO), the same, as Belarusian Students' Association, for instance. However, the state finances BPYU, and persecutes BSA. As regards Belarusian Board of ROC, fi-

nancing it from the state budget is a direct violation of the Belarusian legislation. According to Art. 16 of the Constitution of the Republic of Belarus, all religions and denominations enjoy the same legal status. According to Art. 7 of the Law «On freedom of religion and religious organizations», «the state does not lay any of the state functions on religious organizations, and does not interfere with their activities, if they do not contradict the legislation. The state does not finance activities of religious organizations. Religious organizations do not perform state functions».

State financing of the Belarusian Board of Russian Orthodox Church stands against the background of discriminative and insulting statements about other religions, traditional in Belarus, which are made by state-owned mass media. Such actions do not promote tolerance in society and might provoke a religious conflict.

# «ABATE THE CASE BECAUSE OF EXPIRATION OF THE LIMITATION PERIOD...»

**BELARUSIAN «JUSTICE SYSTEM» HAS NOT FOUND THE GUILTY OF NIAMIHA TRAGEDY**

On March 25 Minsk Centralny Borough Court dropped criminal charges against acting head of the public order police Viktor Rusak and head of department of the mass events Mikhail Kandratsin. The police officers were accused of duty negligence, which resulted in the death of 53 people, and injuries of over 200 people in the *Niamiha* underground pedestrian crossing on May 30, 2002. Judge Piotr Kirkowski dropped the charges because the investigation terms had expired.

“When in eighteen months after the tragedy I was familiarizing with the case materials, the investigation had already carried out almost all investigative actions, including interrogations and expertise. The case materials contained evidence against Viktor Rusak and Mikhail Kandratsin, but the investigators expanded the



investigation terms for the ostensible need of some other expertise and appearance of new sufferers. They could have sent the case materials to the court long ago, but this trial could spoil the image of Minsk police and the Belarusian authorities on the eve of the Presidential election. That's why they chose the

tactics of delays, thinking that in this case there won't be any public reaction", human rights activist Aleh Volchak says.

Sculptor Mikhail Inkow, father of the 15-year-old Masha Inkowa, who died on May 30, 1999 in the *Niamiha* pedestrian underground crossing, says: "On May 25 there was

es people, who had committed a crime before the law came into effect.

Art. 428 part 1 of the Criminal Code of 1999 provides for responsibility for neglect of official duties, i.e. an action, analogous to the action, committed by V. Rusak and M. Kandratsin. Art. 428 part 1 provides for a penalty of up to 2 years of imprisonment, i.e. for a milder penalty. Accordingly, the actions of Rusak and Kandratsin, by authority of Art. 9 part 2 of the Criminal Code of 1999, should be qualified under Art. 428 part 1 of the Criminal Code of 1999.

According to Art. 12 of the Criminal Code of 1999, a crime under Art. 428 part 1 belongs to crimes, which do not seriously endanger the community.

According to Art. 83.1 part 1 of the Criminal Code of 1999, a person, who committed a crime, which does not seriously endanger the community, is released from a penalty, if 2 years passed from the day, when the crime had been committed.

According to the charge, the actions, Rusak and Kandratsin are accused of, took

the trial without any of the victims present. To my mind, it is simple mockery over them. They didn't warn the injured, gathered there quietly and passed the verdict that suited them. Still, the question who was guilty was not answered. The police are guilty of the tragedy in Niamiha, but most of the guilt is on the *Magna* tobacco company.

However, at present nobody even mentions it. At the last gathering of the victims in the Prosecutor's office (the injured and the parents of those who died), the Prosecution representatives called the event that resulted in the tragedy a "beer feast of Alivarya brewery. In reality, it was *Magna* tobacco marathon – a promotion action, but nobody speaks about that now. So *Magna* completely evades the responsibility.

At present I am making a memorial board for the pedestrian underground crossing in Niamiha metro station. We were struggling to build a chapel there, but Minsk City Executive Committee decided to allow only a memorial board. At first they told us the memorial board is only a temporary measure and there would be a chapel built in some time. Then we learned that they had ruled against it. So, I am making the memorial board in the shape of small church altar."

**Palina STSEPANENKA.**

place on 30 May 1999. Accordingly, when the case was submitted to court, the limitation period was over.

According to Art. 29 part 1.3 and part 3 of the Code of Criminal Practice, the proceedings should be terminated because the limitation period is over.

Accused Rusak and Kandratsin made statements, that they do not admit their guilt, but they raise no objection to termination of proceedings because of the end of limitation period.

On the ground of the above mentioned facts, and Art. 276 of the Code of Criminal Practice of the Republic of Belarus, the judge, —

**RULED:**

To abate the criminal action against Viktor L. Rusak and Mikhail A. Kandratsin, charged under Art. 428 part 1 of the Criminal Code, on the ground of the end of limitation period.

The ruling is non-appealable, but may be protested against by a prosecutor to Minsk city court during 10 days through Centralny borough court of Minsk.

**Judge  
P. A. Kirkowski**

## RULING

**About dismissal of the criminal action against the police officers, charged with neglect of an official duty, which led to the death of 53 people in «Niamiha» metro underground crossing in May 1999.**

25 March 2002  
Minsk

Centralny borough court of Minsk judge P. Kirkowski, having considered the criminal action against

Viktor L. Rusak, Mikhail A. Kandratsin,

on a charge under Art. 168 of the Criminal Code of the Republic of Belarus of 1960,

**ASCERTAINED:**

Prosecuting agencies raised a charge against V. L. Rusak and M. A. Kandratsin. V. L. Rusak is acting head of the public order police of the main board of internal affairs of Minsk city executive committee. M. A. Kandratsin is the head of mass events department of public order police of the main board of internal affairs of Minsk city executive committee. On 30 May 1999 there was a mass event «Beer feast of Alivarya brewery»

held in Minsk on the open ground near the Sports Palace. V. L. Rusak and M. A. Kandratsin neglected their official duties due to negligence and carelessness, which resulted in the death of people, significant damage to the rights and legal interests of the citizens, and state interests.

The actions of the accused are qualified under Art. 168 of the Criminal Code of 1960 as negligence, which provides for the sanction of up to 3 years of imprisonment.

Having considered the case materials, I think that the proceedings should be terminated for the following reasons.

According to Art. 9 part 2 of the Criminal Code of 1999, a law, which ascertains a criminal action, mitigates a sentence, or improves the situation of a person, who committed a crime, in any other way, is retroactive. It reach-



# LAST PLEA OF MIKHAS KUKABAKA

**MIKHAS KUKABAKA,  
BELARUSIAN HUMAN RIGHTS  
ACTIVIST, SPOKE IN HIS DEFENSE:**

... Mr. Prosecutor made an interesting statement here: «Think, but don't act». Mr. Novikaw is present here. He is a woodworker. How can he demonstrate his skills, and show his qualification? Obviously, he is to make something: a table or a chair. How can I show my thinking, demonstrate my opinion? Obviously, the same way – with an action. I state, that the witnesses' evidence is fabricated. Here is Aleh I. Barysaw. Yes, he has a weakness – he was a patient of MLC (Medical and Labor Clinic, an institution for treating alcoholism as a compulsory measure, -ed.) KGB used his weak point. Barysaw is said to have voluntary given the materials he had. Why then, he didn't take *GULAG Archipelago* to KGB (he said he had read it), but brought them an unpacked parcel, not even knowing what was inside? My analysis: KGB agents put pressure on him: if you don't testify, we'll bury you in MLC again. And he gave the «right» evidence. Certainly, I don't blame Barysaw. Probably, everybody's stamina is limited. Here is Siarhei Novikaw. He is a very good person, I could have thought of him as of a brother. When I was discharged from a mental hospital 1977 and found myself without a place in a dormitory, with no belongings, he gave me his overcoat!...

I am just thinking, how could he «voluntarily» testify against me? The same case, as with Barysaw. There was no evidence on a voluntary basis. I remember I came to his place, and saw him sit there absolutely terrified:

– Mikhas, we are lost! Completely lost!

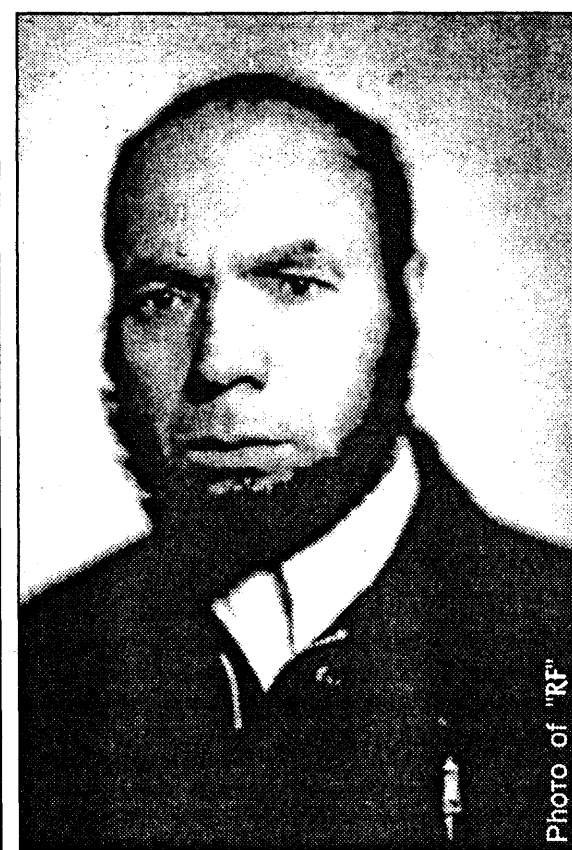
– What is lost? You were arrested or what?

– Yes. I couldn't do anything...

– Well, — I say, — here is paper, take a pen and write everything down.

– Mikhas, I can't. That means I would get to prison.

No, I don't consider myself guilty of anything. I categorically protest against the charges brought against me. My beliefs, my articles are the result of my life experience and deep analysis of the events, happening in our country. Already in 1970 I was repressed for my beliefs and spent 7 years in prison. I refused to cooperate with KGB and was recognized as mentally ill, and sent to a special mental hospital. Yes, this happened in Vladimir, Russia. Main investigator of Vladimir KGB major Yevseyev suggested that I should testify that I had had criminal meetings with the first secretary of FRG Embassy Muller. He promised to set me free in exchange. But that meant I had to lie. I thought: why should I do that, I'd better get sentenced to 3 years of prison, live somehow through that, but I won't lose my soul, I will keep my conscience clear. Then major Yev-



***Mikhas Kukabaka was tried on 20 June 1979 in Babruisk, in the room of Babruisk city court. Deputy chairperson of Mahilow regional court M. Ivanow chaired the proceedings. Pawlenka was one of the People's assessors. The name of another People's assessor is unknown. Alakseyenka was a lawyer of prosecution.***

seyev sent me for expert examination. The state turned out to be quicker! They diagnosed a complete loss of memory and conducted a trial, closed to the public...

To my mind, conviction is understanding your own actions. My convictions were developed in hardships and suffering. You understand yourself, that a person, who spent all his conscious life in prison, cannot be a criminal. I would like to draw your attention to the fact, that I am tried for my beliefs. That contradicts the Universal Declaration of Human Rights.

I would also like to draw your attention to the fact, that already on 16 April 1977 I decided to emigrate from the USSR. Long ago I came to the conclusion that Soviet-type communism is a system of constrain and universal destruction. All communist leaders, starting with Vladimir Ulyanov, pursue a policy of interference in affairs of other countries with the purpose of establishing there a dictatorship, similar to the one we have in our country. Moscow leaders might not resist a temptation to start a new war. Militarization of the country, educating population in military-political spirit, compulsory military service, various military games for children, etc. display permanent preparation for war. At the same time, the authorities attempt to annihilate the slightest home opposition to their plans.

As regards to a recently signed agreement with the USA, I think, the Soviet authorities will never observe it. It is only possible to control arms limita-

**MIKHAS KUKABAKA (Mikhail Kukobaka) was born 3 December 1936 in Babruisk. He is a human rights activist, political prisoner, was a recognized prisoner of consciousness by Amnesty International.**

An orphan, Kukabaka was raised in children's home, and received secondary education (evening school for young people). After army service Kukabaka worked as a construction machine-operator: bulldozer operator, crane-operator, excavator-operator, operator at a chemical factory. In 1968 he announced at Kyiv military enlistment office, that he was against Soviet military intervention in Czechoslovakia. Being unable to find a job in Kyiv, he moved to Vladimir region of Russia. His attempts to contact foreign journalists resulted in his arrest on 14 April 1970. He refused to cooperate with investigation bodies and discredit foreign diplomats, who he had never met. Vladimir regional court (basing on the results of psychiatric expert examination) ruled to place Kukabaka (as a person, dangerous for society) for «compulsory treatment in an institution of special type of the USSR Ministry of Internal Affairs». This was a name for a psychiatric prison. Kukabaka was discharged only in 1976. He returned to Babruisk, his home town. In the autumn of 1976 and 1977 he had to undergo a compulsory treatment in the regional mental hospital. In 1978 Kukabaka was arrested again, found guilty of «anti-Soviet agitation and propaganda» and sentenced to 3 years of imprisonment by Babruisk city court. When in prison, he was sentenced to 3 more years of jail in 1982. In 1985 Vitebsk regional court sentenced him to 6 years of imprisonment and 4 years of exile for «systematic distribution of information, which defame Soviet state and social system».

Mikhas Kukabaka, Amnesty International prisoner of consciousness, was the last political prisoner for «anti-Sovietism». He didn't appeal for pardon, because he didn't consider himself guilty.

1989 independent psychiatric expert examination declared Kukabaka completely mentally sane. On the appeal of deputy speaker of the Supreme Soviet of Belarusian Soviet Socialist Republic Stanislaw Shushkevich in 1989, the Supreme Court canceled the prior court decisions «for the lack of corpus delicti».

*Information by Amnesty International and Moscow Helsinki Group.*

tion, if the other party can verify it on the spot. That means our specialists going to America, and Americans coming here: come and see yourself. What kind of agreement is it if one harbors a grudge?

Say, somebody is accused of having stolen things in his suitcase. What will this person do to prove he is not guilty? He will open a suitcase and say, Have a look! That's what our government doesn't want, they don't want to open the suitcase.

I stand for *détente*, for limitation of all kinds of arms from both parties. My parents died in the last war. I, as nobody else, need *détente*.

I broke off with communistic ideology and came to a decision to leave the USSR. I think, even living in the country is immoral. No matter what I do, I am an accessory to its politics, its militarization. Every rouble I earn goes to the militarization, which I am opposing.

Everything is hidden from people in our country. Even information about foreign communist parties, if they are at variance with the Communist Party of the Soviet Union. Here (showing a newspaper) Japanese communists demand the USSR return the islands occupied during the war, to Japan. Where have you seen this letter published in our countries? The secretary of the Spanish Communist Party, who has been its leader for 20 years, wrote a book *Eurocommunism and a State*. What do we

know about it, except the fact that it is «revisionist»? Opinions of the political bureau of French Communist Party very much differ from the opinion of our communist party. Particularly, the opinion of political bureau member Jan Ellenstein, who wrote a book *French Communist Party*. The best people in the USSR are deprived of citizenship and sent out of the country. Here are the recent examples: Alexander Solzhenitsyn was deported... musician Rostropovich and singer Galina Vishnevskaya were deprived of citizenship... The same happened to General Piotr Grygorenko, biologist Zhares Miadvedzew, physicist V. Chelidze, now, it seems, the same is happening to writer, philosopher professor Zinovyev. (...) I am under trial for having stated: the «differently-minded» are being kept in mental asylums in the USSR. Such well-known people, as Leanid Plushch, mathematician, were kept in mental hospitals. Are you going to say this is slander? It can't be slander, even the Secretary General of the French Communist Party spoke for his release from the asylum!

What about keeping the «differently-minded» in prisons and camps? Alexander Ginsburg, manager of the Foundation for Assistance to Political Prisoners, got imprisoned himself. There is such a foundation. It was founded by Alexander Solzhenitsyn, and it's wonderful. It breaks the plans of the authorities and KGB. It cares for the prisoners. I

personally received assistance from that Foundation, and I am very grateful for it. Alexander Ginsburg was convicted for charity. Imprisonment for the crime of charity – here Soviet authorities went further than the fascists. By the way, fascists sometimes passed verdicts of «not guilty». For instance, Dzimitraw was justified in court. In our country verdicts of «not guilty» never occur. (...)

You think that all these cases are far away. OK. Let's take Viachaslaw Zaitsev from Minsk – he gave a wrong lecture... Let's take Buzinnikaw from Svetlahorsk of Homel region. I knew him personally, I visited him. He was convicted only for listening to the radio and collecting old books on the dumps – old books, which can't be found now – by Zinovyev, or Trotsky's speeches. (...)

My beliefs are absolutely different from the communist ideology. These beliefs can't be corrected by compulsory labor. How is it possible – to correct beliefs with labor? I have already served 7 years of prison for my convictions, isn't that enough? I refused the USSR citizenship. Compulsory citizenship is extraordinary sadism. If a person is ashamed of his citizenship, it is immoral to force him to stay in the country. I don't want to change my convictions, I can't change them. If they don't suit you, deport me from the country, and it will be over!

(continued  
in the next issue)

## PROSECUTOR'S SPEECH

For the last 30 years of my work, it has been the first charge with such a crime. I cannot refrain from a political evaluation. Anti-Soviet propaganda abroad started from the very first days of Soviet power establishment. Every our success in building communism, in campaigning for peace, gives rise to new purposeful attempts to hinder our progress. Currently a number of the Western radio stations broadcast in Russian for 24 hours a day. Their purpose is to misinform the population, to create distrust to the policies of the Soviet Communist Party and the state, and to undermine our socialist system. The propaganda concentrates on defamation of our democratic liberties. This campaign is nothing else but an open ideological pressure on us by capitalist states. The whole system is thoroughly worked out by the Western intelligence bodies. It encroaches upon all the life spheres of our state. The main goal of the campaign is instigating citizens of socialist countries to anti-social actions. They use ideological sabotage to introduce bourgeois concepts to the

minds of Soviet people. They use falsification, open defamation, and spread false rumors. Unfortunately, the so-called «differently-minded» inside the country wail that they are allegedly treated in mental hospitals, that believers are persecuted for their beliefs, that it is impossible to speak critically in the USSR. It is obvious for everybody that all those statements are absurd. Soviet people condemn the views, which are at odds with the communist ideology.

Under the influence from abroad, a certain part of young people are keen on Western music, some individuals take the road of committing politically harmful actions, and even crimes. That's the road Kukabaka has taken. In his statements he spitefully and maliciously slanders our system. Even his face expresses hatred, as he himself repeatedly said, to KGB, to our bodies of state defense.

There is no need to dwell on the statements made here by Kukabaka. Let me talk about the charge. People are not persecuted for critical thinking in our country (the prosecutor lost his voice, speaks hoarsely). No, think as much as you want, but don't

act. Kukabaka did act. His actions are described in the investigation reports. The defendant said the evidence had been garbled. No, there were no omissions in the investigation, and nobody violated his rights! The investigation and the court ascertained, that from July 1977 till October 1978 Kukabaka orally slandered Soviet state and social system. Besides that, he prepared articles «International *détente* and human rights are inseparable» and «The Stolen Fatherland» and passed them to the West. In his articles he cast aspersions on our system, both articles were used for foreign anti-Soviet propaganda. The last of the charge is giving Nikitsina the so-called «Open Letter to Minister of Health Protection Petrovskiy», which talks about alleged persecution of opinions in our country and that differently-minded people are placed into mental hospitals. Here are the 4 points of the charge. Has the judicial investigation proved them? I think Kukabaka's guilt is completely proved. He categorically refuses to admit his guilt both during the investigation period, and in court. It clearly follows from his explanations that this is defamation, but he

considers it a norm. These actions are abnormal. The people, who spoke here, were right: a person, who says such things, must be mentally ill. Really, he has some residual effects. Probably he was cured, but the doctors are not sure, if the treatment was enough to cure him completely. It follows from his speeches. He suggested more things in his platform than he is charged with. He demanded to hold him responsible for his actions of the last 10 years. That can lead to a stricter sentence. That is why the sentence should be a warning to him. The witnesses' evidence completely confirmed the fact of Kukabaka's Anti-Soviet activities. The exhibits: the findings of the committee on the radio, tapes, and articles.

Kukabaka did not draw any conclusions, he did not repent. He must take the road of correction. Although the law provides for other penalties on this charge – correctional labor, a fine, — the most effective, to my mind, will be to punish him with imprisonment. I ask to sentence Kukabaka to 3 years in correctional labor penal institution with minimum security.

**Prosecutor  
Alekseyenka.**

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ECHO

The Bulletin of the Human Rights Centre "Viasna"

5 THE RIGHT TO FREEDOM



# JOURNALISTS ARE NOT CRIMINALS

(continued from p. 1)

In 20 minutes the police detained six of the picket participants: **Zmitser Antanevich, Zmitser Dulko, Stas Pachobut, Pavel Mutny, Ales Dzianisaw, and Illa Piachynin.**

The unregistered Confederation of Acting Groups «Together!» was the organizer of the picket.

On 5 April another action in support of *Pahonia* was organized. The organizers repeatedly applied to Hrodna city executive committee for the permission, but they were denied their constitutional right to hold a picket. Two unauthorized pickets took place from 11 a.m. to 1.30 p.m. downtown Hrodna: near the building of Hrodna city executive committee and at Savetskaya Square. The picket participants held the posters with the following slogans: «Hands Off Markevich and Mazheika!», «If you are a journalist, they'll find a prison cell for you», «I also write the truth about the president. Am I the next one?»

The picket participants handed out leaflets which informed the passers-by that the trial over the *Pahonia* journalists would start on 9 April at 11 a.m. at Leninski borough court of Hrodna. The leaflets ended with the words: «We will not let them cripple the journalists' lives!!!»

During the pickets all downtown Hrodna was crowded with policemen and peo-

ple in civil clothes, who followed each group of picketers. The first picket that was held by the regional executive committee, was met by a reinforced unit of police, that apparently had information about the action. During the pickets the police arrested 14 people. One of the picketers was released. The police detained the following people:

**Andrzej Pisalnik** (Den)  
**Iryna Charniawka** (Belaruski Chas)

**Vitaut Rudnik** (editor of *The Third Sector*)

**Andrei Mialeshka** (Nasha Niva)

**Andrei Pachobut** (Glos znad Niemna)

**Alena Sinevich** (Radio Racyja in Bialystok)

**Andrzej Kusialchuk** (ex-editor of *Glos znad Niemna*)

**Yulia Darashkevich** (*Pahonia*)

**Volha Artsiomenka** (Birzha Infarmatsyi)

**Alexander Dvaretskaw** (member of BAJ)

**Alesia Sidlarevich** (*Pahonia*)

**Zmitser Yahoraw** (BARC-news)

**Stas Pachobut** (Navinki)

By the evening of the April 5 the trials over the reporters were ended. Judge **Dzmitry Dziomchanka** finished reading the rulings at 6.35 p.m. **Andrzej Pisalnik** is sentenced to 10 days of jail, **Stas Pachobut** – to 10 days of jail. **Andrei Mialeshka** – 8 days of jail. **Zmitser Yahoraw** and **Vitaut Rudnik**



**Pavel Mazheika and Mikola Markevich**

were sentenced to 3-days' of jail, **Alexander Dvaretskaw** – to four day' arrest. Some protesters were fined. **Iryna Charniawka** was fined 30 minimal wages, **Alena Sinevich** – to 20 minimal wages. **Volha Artsiomenka** and **Andrei Pachobut** were reprimanded. Trials over **Andrzej Kusialchuk, Alesia Sidlarevich** and **Yulia Darashkevich** were postponed. **Stas Pachobut** went on hunger strike.

On 9 April the trial over Markevich and Mazheika was supposed to take place. In the morning a lot of people, mostly Belarusian and foreign journalists, gathered near Leninski borough court of Hrodna. Mikola Markevich and Pavel Mazheika appeared in the courtroom, wearing T-shirts with a slogan: «I am a journalist, not a criminal». The courtroom, meant for 80, was crowded by at least twice as many people. The hearing did not start for a very long time. Finally, the court secretary appeared and announced that the hearing would be postponed because of the judge's illness. Actually, that means that now a new judge will be appointed, he needs time to review the criminal case materials. Eventually, the new judge will appoint a new date for the trial, but it may happen only at the end of the month.

After that everybody went to Leninski borough police station to meet Ales Dvaretskaw after he had served his 4 days-sentence for participation in the picket to support the *Pahonia* journalists. Several dozen people gathered near the jail. That is why the policemen made Dvaretskaw get into a car in the backyard and took him straight home. He only managed to wave his hand to the people, who had come to meet him. The journalists held a press confer-

ence in the office of Hrodna Belarusian Popular Front.

By the way, *Pahonia* journalists enjoy very strong support in the neighboring Poland. They were officially supported by the office of the Polish president A. Kwasniewski, Nobel Prize winner Czeslaw Milosz, and by editors-in-chief of the influential Polish editions: Adam Michnik (*Gazeta Wyborcza*), Maciej Lukaszewicz (*Rzeczpospolita*), and Pawel Fonfara (*Zycie*). The biggest Polish newspaper *Gazeta Wyborcza* introduced a column, where it regularly informs the readers, how the events around the *Pahonia* develop.

Journalists in Bialystok (Poland) carried out a picket in support of Markevich and Mazheika. The picket participants addressed a statement to Belarusian consul-general in Bialystok.

11 April was the 7th day since Stas Pachobut, a reporter from *Navinki*, convicted for participation in a picket in support of *Pahonia* and sentenced to 10 days of jail, went on hunger strike. Markevich was allowed a meeting with Stas when he promised he would try to convince Stas to stop the hunger strike.

Markevich was not let into the cell. He was able to meet Stas in a separate room.

— 6 days of hunger strike, take their toll, – said Mikola Markevich, – bad complexion, dark bags around the eyes. His voice is quite, but very firm. He told me he would not stop the hunger strike, because one should protest with all possible means.

On 15 April Stas Pachobut and Andrzej Pisalnik were released from jail.

The fight for *Pahonia* and freedom of its journalists goes on.

## POLICE DETAINED NTV CREW

On April 2 the police detained an NTV crew outside the prison in Kalvaryiskaya Street in Minsk. NTV journalists arranged an interview with the wife of ex-rector of Homel Medical Institute Yury Bandazhewski, who had been charged with bribery and sentenced to eight years of imprisonment. Halina Bandazhewskaya came to Minsk to have a meeting with the imprisoned husband.

After the end of the meeting the NTV reporter Pavel Selin started to interview Halina in front of the camera 50 meters away from the prison wall. The camera was pointed in the opposite direction. However, it didn't save the Russian TV crew from a conflict with the police. The man who called himself Vice-Head of the prison Los, took away the documents of the reporter Pavel Selin, the cameraman Kanstantsin Marozaw and his assistant Zmitser Davydenka. The prison authorities were checking the documents for an hour. Then they told all three to write explanation notes and let them go.

# CEASE BANNING PEACEFUL ACTIONS

## STATEMENT OF THE *BELARUSIAN HELSINKI COMMITTEE AND HUMAN RIGHTS CENTER VIASNA* ABOUT BANNING PEACEFUL ACTIONS OF *BELARUSIAN CITIZENS AND PERSECUTION OF THE FREEDOM DAY PARTICIPANTS*

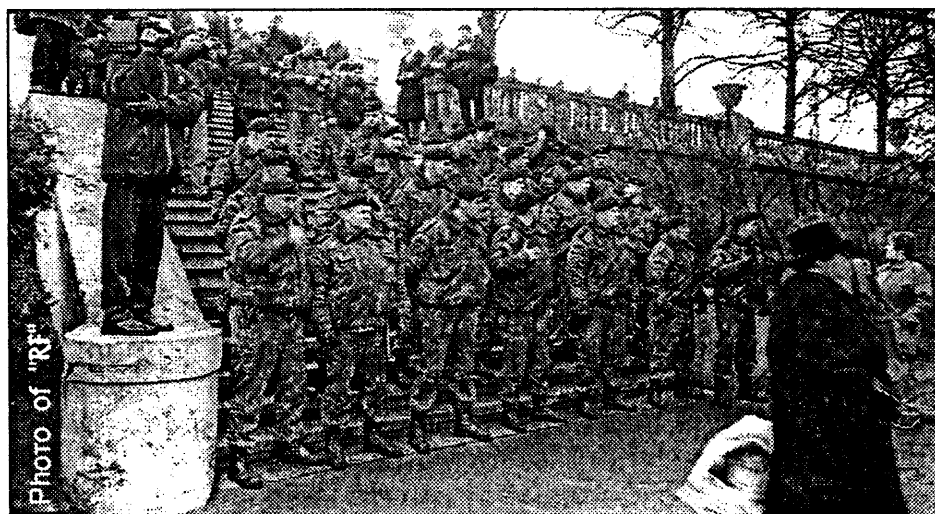
On March 24 the authorities prohibited and dispersed the peaceful public demonstrations in Minsk and Hrodna organized to celebrate the 83rd anniversary of proclamation of Belarusian People's Republic. Police detained more than 100 people, beating some of them.

Courts held administratively responsible 40 people, basing their decisions on the testimonies of police witnesses. Seven detainees were sentenced to 10 to 15 days in jail, 9 people were fined 20 to 150 minimal wages. The judges acquitted none of the people tried.

Prohibition of peaceful processions, demonstrations, pickets and persecution of their participants violates the constitutional right of the citizens to freedom of assembly, rallies and demonstrations as well as the international commitments of the Republic of Belarus in the sphere of human rights. The police groundlessly use excessive violence while dispersing peaceful actions.

We consider the punished people to be persecuted for their views and opinions.

We call on the authorities to stop the tactics of prohibiting mass events and persecuting their participants, to bring the national legislation into line with the Constitution of the Republic



of Belarus, International Covenant On Civil and Political Rights and other human rights acts.

### APPENDIX:

List of the people, held responsible for participation in Freedom Day action in Minsk and Hrodna:

1. **Viachaslaw Siwchyk** – 15 days in jail;
2. **Pavel Seviarynets** – 15 days in jail;
3. **Siarhei Malchyk** – 10 days in jail;
4. **Vadzim Saranchuk** – 10 days in jail;

5. **Zmitser Dashkevich** – 10 days in jail;
6. **Viktar Kaveshnikaw** – 10 days in jail;
7. **Tsimafei Dranchuk** – 10 days in jail;
8. **Mikola Lemianowski** – fined 150 minimal wages;
9. **Lavon Achapowski** – fined 150 minimal wages;
10. **Sviatlana Nekh** – fined 50 minimal wages;
11. **Viktar Sazonaw** – fined 20 minimal wages;
12. **Alaksei Smolski** –

- fining 20 minimal wages;
13. **Zmitser Tarulis** – fined 20 minimal wages;
14. **Valery Herasimaw** – fined 20 minimal wages;
15. **Lavon Sadowski** – fined 20 minimal wages;
16. **Zmitser Bandarenka** – fined 20 minimal wages;
17. **Piatro Rusaw** – fined 20 minimal wages;
18. **Raman Ramashka** – warned;
19. **Mikhail Patreba** – warned;
20. **Maksim Lebiadzew** – warned;
21. **Alexander Shevialenka** – warned;
22. **Siarhei Tryfanaw** – warned;
23. **Andrei Lakhovich** – warned;
24. **Kiryl Papkow** – warned;
25. **Yury Palchewski** – warned;
26. **Eduard Zaikowski** – warned;
27. **Mikola Lavitski** – warned;
28. **Andrei Tawstyka** – warned;
29. **Siarhei Biazdzenezhny** – warned;
30. **Uladzislav Ihnatovich** – warned;
31. **Andrei Humin** – warned;
32. **Iryna Shershen** – warned;
33. **Alena Rashetnikava** – warned;
34. **Siarhei Barysaw** – warned;
35. **Mikola Ihnatovich** – warned;
36. **Arkadz Piartsowski** – warned;
37. **Platonaw** – warned;
38. **Aksana Akhremchyk** – warned;
39. **Hanna Siwchyk** – warned;
40. **Zmitser Karpenka** – waiting for the trial.

## «JOIN BELARUSIAN PATRIOTIC YOUTH UNION AND SWEEP THE SCHOOL TERRITORY»...

Under age Aleh Korban was detained during the action of March 24 in Minsk. He came to *Viasna* and told us the following: «On 24 March I participated in celebration of the Freedom Day. Near the subway station *Ploshcha Peramohi* the Special Forces policemen acted very aggressively. I was among the first to be thrown into the police bus. There I got hit with a truncheon on the head. We

were taken to Centralny Borough Board of Internal Affairs. The police drew up a report (Art. 167-1 part 1 of the Code of Administrative Infringements). Then I was allowed to go home.

Two weeks passed, and I was summoned to Partyzanski borough juvenile committee. My class teacher and my father were also present. Mr. Novikaw, our former district officer, was among the committee

members. He kept reminding the committee about my other detentions for spreading leaflets and writing slogans on the asphalt. Novikaw said, that I was «facing corrective labor». I was put on record in the juvenile delinquency room. They threatened my father with huge fines, jail, and corrective labor. Eventually, the committee ruled to fine me 5 minimal wages for participation in celebra-

tion of the Freedom Day and for shouting «independence». By the way, it took them a long time to discuss what that word exactly meant. My class teacher was recommended to leave me after classes once in a while, and conduct conversations with me about the behavior of citizens in our state. They advised me to join the BPYU and to participate in cleaning the school territory. In the end, Novikaw told me not to relax and to wait for a call to Partyzanski Borough Police Board»..

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COMMENTS

The Bulletin of the Human Rights Centre "Viasna"

7 THE RIGHT TO FREEDOM



# SLOW RACE SUICIDE

## BELARUSIAN VILLAGES LIVE IN THE CLOSE TO EXTREM CONDITIONS

We judge the progress of the Belarusian economy not by triumphal president's speeches, not by official reports and diagrams, but by our own wallets. The wallets are empty. The economy does not work for our welfare. Farming is the fundamental component of our economy. The statement about its complete helplessness does not need to be proved. One just needs to visit any village shop. Look, what rural people eat. All shops are cram-full of Russian-made sausage – it's quite cheap and not of very high quality. An average Belarusian cannot afford meat products, made in Belarus, which cost almost 10 dollars for a kilo. Prices for milk grow every month/ The same happens with potatoes, cabbages, cucumbers, apples, and honey... Market socialism is not for the welfare of people. Our basic right – to live as humans – is violated without scruple.

What is happening now to the Belarusian agriculture? Our correspondent asked an average machine operator from an average Belarusian collective farm. He is a little bit over 30, single for the time being, comes from the family of farmers...

– **How much do you earn, working on a collective farm?**

– 30-40 thousand a month (about \$20- A.H.)

– **Why so little?**

– You'd better ask someone else. Not even the chair of our collective farm, who regularly swears that the farm has no money. I am quite lucky – I am a tractor driver – they pay at least some money for such an «honor». People, who work in field-crop husbandry (without machinery) have to get by with payment in kind. The collective farm gives them a little grain, and sometimes — mixed fodder for breeding their own kettle. It also provides us with hayfield. Obviously, one can get all those things provided that one sells a bred bull-calf not to a «profiteer» – meaning businessman – but to the state company. So, the collective farm pays money not to everybody, and not regularly. No one knows what the payment arrears are. If you start seeking justice in a counting-house, you'll get nothing at all. And the chairperson will threaten: you should be feeding the state, not seeking justice. If you don't obey – you'll lose what you have.

– **Do many people like you, who are relatively young, work on a collective farm?**

– Only a few. That's why they pay us at least some money. What kind of sowing and reaping could they do without us – tractor and combine drivers!

– **What are the spirits before sowing?**

– No mood for it at all. We have

seeds, though they are not completely prepared for sowing. As far as know, there is absolutely no fuel for machinery. Only God knows, how we are going to prepare the soil, how we are going to sow. All tractors are laid up. We lack chemical fertilizers: potash fertilizers and dolomite dust. The soil is sour, we have nothing to lime it with. The soil is able to give us 20 hundredweights of grain-crops, a year after year we are gathering only 5-10 hundredweights. Annual state donations are only enough for relative renewal of the kettle and keeping machinery in a more or less working condition (but we still lack spare parts for tractors and other machinery). Most of the machinery is from Brezhnev-Soviet time. No matter what you do to fix it – it has one wheel in the grave. Everything is inter-connected in villages. If machinery brigade cannot work efficiently, animal husbandry will be in bad condition as well. It's not surprising, that our cows give as much milk as if they were goats. Loss of young cattle is so high, that it's high time the district prosecutor paid attention to the problem. But whom should he blame for it? He won't blame Lukashenka, I am sure!

– **If all tractors are laid up, what are you busy with now?**

– I am the lucky one! I managed to get a job as an assistant of the cinema operator. By fair means or foul! This is the dream of every farmer – to get a budget-paid worker with a firm salary. Do you know, how much our village teachers get paid? Almost 80 dollars! May they receive it behind time, but that's a lot of money! I am also quite OK now. Enough for me – I have no family to feed. My old mother gets her pension. She doesn't need much! And again, I always plough up her garden, or bring firewood from the forest.

– **What can you buy with your money in a village shop?**

– Bread, tea, sugar. Sometimes they have herring, but it is usually rusty. Obviously, vodka!

– **Do you drink?**

– And who in the village doesn't? We work hard, but don't see any outcome. That is why every day we fight stress with wine, vodka, and moonshine... Even women drink. What entertainment do we have here: cinema and TV. There are only 2 channels in our province (one of them is Belarusian TV – boring and idle). Vodka is our only cure for tiredness and stress here.

– **There must be showers, and a recreation room in your machine-shop. You have an official trade union, it should care for the workers!**

– Are you kidding? The collective farm dies killing the farmers. Neither concerts for the farmers, nor perks. Even hot meals for machine operators during

sowing are something we can just dream about! It's not a city, where a worker gets an annual holiday and a leave allowance. Collective farmers are not people, they are slaves! Well, there is a shower room in the machine-shop. But it is open only when some officials come – just for show. The garage is 5 kilometers away, in the central village. Our village is quite far away, we work separately, as a brigade. It's 2 years since we forgot about a bus, which used to run between villages. Look at the condition of our roads! There is asphalt only near the central office of the collective farm. An ambulance needs 24 hours to get to our village! But what's the use of it? They don't have any medicine with them. As far as I know, doctors don't get paid for months either! God forbid getting ill here. There is no drugstore here. Anyway, nobody has money to pay for medicine at such high prices! We use vodka instead of medicine...

– **OK, the collective farm is in crisis, there are no private farmers... May be, it is your personal plot that helps a collective farmer to survive?**

– The chair of the local council runs around the villages every day, urging pensioners to sell milk to the state. What an odd fellow! He is aware of the fact that it does not pay to have a cow now. There is not enough mixed fodder. If you feed your cow with bread – milk and meat will become gold. At present it's impossible even to steal a potato from the farm. Those happy times are gone! The number of cows dropped three times. It is cheaper to buy milk, than to produce it at home.

– **Does the collective farm chairperson steal?**

– No. I say, there is nothing to steal here. And chairpersons don't stay here too long. They work almost in shifts, under compulsion. They don't build big cottages for themselves – they live in a house, which belongs to the farm. Temporary guests! What kind of managers are they? Take our present «manager». His family is in town, every day he travels 100 kilometers to the farm! It's just funny! Well, the head of the district will surely stay here for a long time. Obviously, he steals. He has a 2-storey house in the very center of the town, and a foreign car, which costs many thousand dollars. He is the local champion of Lukashenka's thoughts.

– **How do you see your future?**

– One thing, which makes me stay here is my old mother. When she dies, I will immediately leave. If I don't manage to settle in the district center, I will get go to work in the North... I will make money and start a family. I don't ruin myself with drink. And village... I don't care if everything goes bust!

**Ales HARKUN.**